

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL VANCE,

Petitioner,

CASE NO. 09-cv-11475

v.

HONORABLE GEORGE CARAM STEEH

JEFF WOODS,

Respondent.

**ORDER DENYING AS MOOT PETITIONER'S MOTION FOR
THE COURT TO ABSTAIN FROM RULING ON HIS CASE**(Dkt. #11)

This is a habeas corpus case under 28 U.S.C. § 2254. Petitioner commenced this action on April 20, 2009, by filing a *pro se* habeas corpus petition challenging his criminal-sexual-conduct conviction in Oakland County case number 03-192752-FH.

Ten days before petitioner filed his habeas petition in this case, he filed a habeas petition challenging his criminal-sexual-conduct convictions in Oakland County case number 03-193604-FC. See Vance v. Scutt, No. 09-cv-11368 (E.D. Mich. Apr. 10, 2009). On October 30, 2009, the Court consolidated the two habeas cases, dismissed this case, and directed the parties to file any future documents in case number 09-cv-11368. See Dkt. #7.

The Court subsequently granted relief in case number 09-cv-11368. The Court held that (1) petitioner was denied effective assistance of appellate counsel in Oakland County case number 03-193604-FC and (2) the state trial court failed to clearly advise petitioner of his right to appeal his conviction in Oakland County case number 03-192752-FH. The United States Court of Appeals for the Sixth Circuit affirmed this

Court's grant of habeas relief and restoration of appellate rights based on ineffective assistance of appellate counsel, but reversed this Court's grant of habeas relief based on notice of appellate rights. See Vance v. Scutt, No. 12-1345 (6th Cir. July 17, 2014). On remand, this Court held petitioner's habeas corpus petition in abeyance pending the completion of his appeal of right in the State's appellate courts.

Currently pending before the Court is petitioner's motion for the Court to abstain from ruling on his habeas case while he pursues his appeal in state court. As noted above, this case has been consolidated with case number 09-cv-11368 and administratively closed. Furthermore, the Court granted petitioner's identical request in case number 09-cv-11368. See Vance v. Scutt, No. 09-cv-11368, Dkt. #30 (E.D. Mich. Aug. 22, 2014). Therefore, petitioner's Motion for Court to Abstain from Ruling (Dkt. #11) is **DENIED** as moot. Petitioner is reminded to file any future documents pertaining to his habeas petition in case number 09-cv-11368.

Dated: December 10, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 10, 2014, by electronic and/or ordinary mail and also on Michael Vance #501288, Gus Harrison Correctional Facility, 2727 E. Beecher Street, Adrian, MI 49221.

s/Barbara Radke
Deputy Clerk